

- Franklin County Common Pleas Court may experience an increase in costs and revenues due to an increased caseload. When viewed in respect to the current volume of cases handled in Franklin County Common Pleas Court, the amount of cases involving the Racing Commission will probably have a negligible effect overall.
- Other counties may experience a small decrease in costs and court revenues, since cases which might otherwise be heard in their courts would be heard in Franklin County under the bill.

Detailed Fiscal Analysis

The Ohio Racing Commission is responsible for governing Ohio's seven commercial racetracks and over 60 county fairs where pari-mutuel wagering is conducted. The Commission prescribes the rules and conditions under which horse racing may be conducted within the state and has the power to issue, deny, suspend, diminish, or revoke permits to conduct horse racing as well as to impose fines on those violating the rules or orders of the Commission.

Under current law, litigation involving the Commission could be brought in various jurisdictions throughout the state. Except in matters involving specialized areas of law or in jurisdictions which are not located within reasonable proximity of Franklin County, the Attorney General's office would provide legal representation at no cost to the Commission. In all other matters, the Attorney General's office would hire special counsel and pass the cost on to the Commission. The base rate for such counsel is \$95.00 per hour.

In the past, the Commission has been involved in very few litigious matters. However, the horse racing industry has undergone certain changes recently that may necessitate further involvement by the courts. Changes in simulcast racing prompted by the enactment of H.B. 561 in the 121st General Assembly, for instance, could increase the amount of litigation involving the Commission.

In addition to formally designating Franklin County as the location of the principal office of the Ohio Racing Commission, S.B. 14 would grant the Commission the right to sue and be sued in its own name and would require that any action against the Commission be brought in Franklin County Common Pleas Court. The Court would also be given appellate jurisdiction over the decisions of the Commission. These provisions would enable the Commission to handle all related legal matters within the proximity of its principal location and would reduce the need for special counsel in most cases. The bill would also reduce travel and time costs for Commission staff who must be present at court proceedings held throughout the state. Since the operating budget has been capped at \$2.5 million per year, any reduction of expenses would have a positive effect upon the performance of the Commission.

□ LBO staff: Sharon Hanrahan, Budget/Policy Analyst

H:\Fn123\SB0014hr.DOC